

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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**Amendment No. 2 to SB0324**

**Clabough  
Signature of Sponsor**

**AMEND Senate Bill No. 324\***

**House Bill No. 1901**

by deleting the amendatory subsection (b) in Section 1 and by substituting instead the following:

(b) The provisions of subsection (a) shall not be applicable in any proceeding where the insurer on the date of the filing of the proceeding had derived fifty-one percent (51%) or more of its revenue for the past twelve (12) months from a contract or contracts with a governmental entity to provide health care services to enrollees in a publicly funded medical assistance program pursuant to Title 71. In these cases, the records of the insurer, other documents, and all insurance department files and court records and papers, so far as they pertain to, or are a part of, the record of the proceeding and which reflect the financial solvency of the insurer, shall be open to public inspection under the Tennessee Public Records Act promulgated at Section 10-7-503, et seq., unless otherwise required to be maintained as confidential under federal or state law. An insurer within fifteen (15) days from the date of seizure may apply to the court for a stay of application of this subsection, or for a protective order for particularized information which is proprietary in nature, the disclosure of which would be injurious to the rehabilitation of the insurer. The provisions of this subsection shall be stayed from the date of seizure until a court of competent jurisdiction rules on the application for a stay or a protective order.

AND FURTHER AMEND by deleting the amendatory subsection in Section 2 and by substituting instead the following:

( ) This section does not apply to hearing, notices, correspondence reports, records or other information obtained by the placing under supervision of any

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insurer who derived as of the date of the supervision fifty-one percent (51%) or more of its total revenues for the past twelve (12) months from a contract or contracts with a governmental entity to provide health care services to enrollees in a publicly funded medical assistance program pursuant to Title 71. In such cases, the hearings, notices, correspondence, reports, records, or other information which reflect the financial solvency of the insurer obtained during the supervision shall be open to the public under the Tennessee Public Records Act, promulgated at Section 10-7-503, et seq., unless otherwise required to be maintained as confidential under the federal or state law. An insurer within fifteen (15) days from the notice of supervision may apply to the court for a stay of application of this subsection, or for a protective order for particularized information which is proprietary in nature, the disclosure of which would be injurious to the rehabilitation of the insurer. The provisions of this subsection shall be stayed from the notice of supervision until a court of competent jurisdiction rules on the application for a stay or a protective order.